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OFFICE OF PETITIONS

In re Application of
Warren Roach et al.
Application No. 09/957,459
Filed: September 21, 2001
Attorney Docket No. 166.0001

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DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 17, 2009 to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned as a result of the petitioner's failure to file an appeal brief and fee required by 37 CFR 41.20 (b) within the time period provided in 37 CFR 41.37 (a)(1). As an appeal brief (and appeal brief fee) was not filed two (2) months from the Notice of Appeal, filed March 11, 2008, and no extension of time under the provisions of 37 CFR 1.136 (a) were obtained. The appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.1979b). As no claim was allowed, the application became abandoned on May 12, 2008. See MPEP1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Newton Edwards at (571) 272-6052 or in his absence to the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 2162 for appropriate action by the Examiner in the normal course of business on the reply received.



David Bucci
Petitions Examiner
Office of Petitions